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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/767,853

01/29/2004

Rodney Darland

2985

30040

7590

06/02/2005

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EXAMINER

MORROW, JASON S

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,853

Applicant(s)

DARLAND, RODNEY

Examiner

Jason S. Morrow

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it uses the phrase "Herein disclosed" in line 1. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 3612

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Au.

Au discloses a stroller sun screen comprising an elliptical screen portion (8), a spring steel band frame (column 2, line 51), a binding (column 2, line 53) that traps the band frame so that it surrounds the screen portion and encloses the band portion, a pair of hook and loop fastening strips (as seen in figure 2), and the hook and loop fastening strips each attached to the left and right side of the binding such that they are capable of being attached to the left and right frame members of a standard baby stroller respectively.

The spring steel band is capable of being twisted so that the entire sun screen can be collapsed into a circular shape that is approximately one quarter the size of the fully opened screen (see figure 5).

The screen portion is comprised of a fine mesh material (column 3, lines 7 and 8).

The hook and loop fastening strips are approximately two inches wide and six inches long.

Au does not disclose the binding being sown, the binding being sewn onto the screen portion, the hook and loop fastening strips being sewn to the left and the right side of the binding, the mesh being polyester, or a carry bag for removably retaining the sun screen when in the collapsed position.

Sewing fabric materials, the use of polyester mesh, and carry bags are all old and well known in the art.

It would have been obvious to one of ordinary skill in the art to construct a sun screen, such as that disclosed by Au, by sewing the binding, sewing the binding onto the screen portion,

Art Unit: 3612

sewing the hook and loop fastening strips to the left and the right side of the binding, as is old and well known in the art, since sewing is a very common and well known method to produce such a product.

It would have been obvious to one of ordinary skill in the art to construct a sun screen, such as that disclosed by Au, using polyester mesh, as is old and well known in the art, since polyester mesh is a commonly available material.

It would have been obvious to one of ordinary skill in the art to use a sun screen, such as that disclosed by Au, with a storage bag, as is old and well known in the art, since storage bags are commonly provide for removable, temporary use objects.

Response to Arguments

5. Applicant's arguments filed 3/3/05 have been fully considered but they are not persuasive. Applicant argues that the Au reference does not operate in the same manner as applicant's invention. However, the single side panel (8) shown in the Au reference is capable of operating in the same manner claimed by applicant. Structurally, there is no difference between what is shown by Au in view of what is common knowledge in the art and what is disclosed by Applicant.

The only structural differences which applicant points to is the lack of pivot points, the shape of the screen, and the only pair of attachment points being those on the left and right side of the oval.

It is unclear how the pivot points disclosed by applicant are any different from those shown by the Au reference. They are simply hook-and-loop attachment strips.

Art Unit: 3612

The screen shown by Au may not be a “true” oval shape, but is “elliptical” as claimed. The claim does not specify that the shape of the screen must be exact.

As to the only attachment points being those on the left and right hand side of the screen, it is clear that the portion of Au (8) is capable of performing the claimed function by using only two of the attachment points shown by Au.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (571) 272-6663. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

Art Unit: 3612

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason S. Morrow
Primary Examiner
Art Unit 3612

May 30, 2005


JASON MORROW
PRIMARY PATENT EXAMINER

7/30/05